

ORDINANCE No. 115371

COUNCIL BILL No. 111171

AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in Lots 19 and 20, Block 2, Chittenden Munger Quarter Acre Tracts, according to the plat thereof recorded in Volume 15 of Plats, page 36, in King County, Washington, for open space, park and recreation purposes (Thornton Creek 25th Avenue NE Natural Area) under the Seattle Open Space and Trails Bond Program

mc

Law Department

The City of Seattle--L

REPORT OF

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully

3/27/96 Parks, Public Grounds

HISUE Full Council

Committee

COMPTROLLER FILE No. _____

| | |
|---|---|
| Introduced: <u>MAR 2 5 1996</u> | By: <u>DONALDSON</u> |
| Referred: <u>MAR 2 5 1996</u> | To: <u>PARKS, PUBLIC GROUNDS AND RECREATION COMMITTEE</u> |
| Referred: | To: |
| Referred: | To: |
| Reported: <u>APR 1 - 1996</u> | Second Reading: <u>APR 1 - 1996</u> |
| Third Reading: <u>APR 1 - 1996</u> | Signed: <u>APR 1 - 1996</u> |
| Presented to Mayor: <u>APR 2 - 1996</u> | Approved: <u>APR 9 1996</u> |
| Returned to City Clerk: <u>APR 9 1996</u> | Published: <u>litte</u> |
| Vetoed by Mayor: | Veto Published: <u>OK</u> |
| Passed over Veto: | Veto Sustained: |



~~Law Department~~

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Our Committee on _____

which was referred the within Council Bill No. _____

report that we have considered the same and respectfully recommend that the same:

3/27/91 Parks, Public Grounds & Recreation 3-0 Do Pass

RUSH

Full Council Vote 9-0

Committee Chair

ORDINANCE 118071

AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in Lots 19 and 20, Block 2, Chittenden Munger Quarter Acre Tracts, according to the plat thereof recorded in Volume 15 of Plats, page 36, in King County, Washington, for open space, park and recreation purposes (Thornton Creek/25th Avenue NE Natural Area) under the Seattle Open Space and Trails Bond Program.

WHEREAS, the voters of King County approved the Public Green Spaces, Greenbelts, Open Space, Parks and Trails Bond Issue on November 7, 1989 to provide funds for the preservation of open space; and

WHEREAS, Resolution 27987 and King County Ordinance 9071 identified the greenbelts and natural areas to be preserved with bond funds; and

WHEREAS, City of Seattle Ordinance 114900 authorized the Superintendent of Parks and Recreation to acquire property in identified greenbelts and natural areas by negotiation or, when authorized by ordinance, through condemnation; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity demand that the following described real property situated in Seattle, King County, Washington, commonly known as Open Space Parcel Number 205.002, to wit:

Lots 19 and 20, Block 2, Chittenden Munger Quarter Acre Tracts, according to the plat thereof recorded in Volume 15 of Plats, page 36, in King County, Washington.
together with all rights, privileges and other property pertaining thereto be and the same are hereby condemned, appropriated, and taken for public use, namely for open space, park and recreation purposes (Thornton Creek/25th Avenue NE Natural Area).

Section 2. Said lands, rights, and privileges, and other property, are to be appropriated and taken only after just compensation has been made or paid into court for the owners thereof in the manner provided by law.

Section 3. The entire cost of the acquisition provided for in this ordinance shall be paid from the Seattle Open Space and Trails Bond Fund or from such general fund of The City of Seattle as may be provided by law.

Section 4. The City Attorney is hereby authorized and directed to begin and prosecute proceedings in the manner provided by law to condemn, take, damage and appropriate the lands and other property necessary to carry out the provisions of this ordinance and to stipulate for the purpose of minimizing damages.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 Section 5. Any act consistent with the authority and prior to the effective date of this
2 ordinance is hereby ratified and confirmed.

3 Section 6. This Ordinance shall take effect and be in force thirty (30) days from and after
4 its passage and approval, if approved by the Mayor, but if not approved and returned by the
5 Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code
6 Section 1.04.020.

7
8 PASSED by the City Council the 1 day of April, 1996, and
9 signed by me in open session in authentication of its passage this 1 day of April,
10 1996.

11
12 [Signature]
13 President _____ of the City Council

14 Approved by me this 9 day of April, 1996.

15 [Signature]
16 Mayor

17 Filed by me this 9 day of April, 1996.

18 [Signature]
19 City Clerk

20
21 (SEAL)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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Seattle
Department of
Parks and Recreation

Holly Miller, Superintendent
Norman B. Rice, Mayor

March 13, 1996

The City Council
City of Seattle

Via: Mayor Norman B. Rice

Attention: Tom Tierney, Director, Office of Management and Planning

Subject: AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in Lots 19 and 20, Block 2, Chittenden Munger Quarter Acre Tracts, according to the plat thereof recorded in Volume 15 of Plats, page 36, in King County, Washington, for open space, park and recreation purposes (Thornton Creek/25th Avenue NE Natural Area) under the Seattle Open Space and Trails Bond Program.

Dear Councilmembers:

The Department of Parks and Recreation is herein proposing legislation to acquire by condemnation, certain properties within the Thornton Creek/25th Avenue NE Natural Area.

The importance of preserving key undeveloped properties along Thornton Creek as a series of related Natural Areas has been recognized for well over fifteen years. In the 1970's, preservation within the Thornton Creek watershed began with acquisition funding from Forward Thrust.

With the passage of the Open Space and Trails Bond Issue in 1989, the Department of Parks and Recreation has been able to actively pursue continuation of the preservation of these important natural lands. Strategic plans for the Thornton Creek Natural Areas were developed to identify the ownerships, and establish the importance of preserving the key undeveloped and privately owned parcels. This will insure reaching the goal of public acquisition and protection of this important drainage basin.

A specific pattern of purchase to maximize public benefit and access was developed as part of the plan. Therefore, acquisition of the subject property will complete the original plan for the Thornton Creek/25th Avenue NE Natural Area. It is also important to recognize that additional funding from the Washington Wildlife and Recreation Program, of the Interagency Committee for Outdoor Recreation, has enabled the City of Seattle to pursue a more complete program of acquisition and preservation.

RECEIVED OMP

MAR 20 1996



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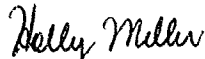
Letter - Miller to City Council
Thornton Creek Natural Area - Condemnation of Property
March 18, 1996
Page 2

Crucial among the priority acquisitions are the undeveloped lots that are the subject of the proposed condemnation, which front on the corner of NE 97th Street and 25th Avenue NE. These lots provide significant continuity of the stream corridor both in the immediate neighborhood and community, and in the broader city-regional context. Development of these parcels is imminent and would severely affect the stream, and would also block primary public access to much of the undeveloped area.

The City of Seattle, through the Department of Parks and Recreation Open Space Program, has negotiated in good faith with the owner to acquire these properties at a fair market value as determined by an independent real property appraisal. It is the opinion of the Open Space Program staff that all reasonable attempts to negotiate purchase of these properties have been made, and that these negotiations have been unsuccessful. We are therefore seeking to proceed with the acquisition of these properties through condemnation.

If you need further information, please contact Donald M. Harris, Director of Environmental Programs, for the Department of Parks and Recreation, at (206) 684-8600.

Sincerely,



Holly Miller
Superintendent

HM:bw
n:\condemn\205002.cov

Attachments

cc: Ken Bounds
Donald M. Harris
Bill Blair
Warren Eckstrom
Beverly Winfrey
Lanny Shuman
Celia Grether, OMP
Judy Nevins, Law Dept.

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Legislative Request Supporting Information

In conformance with the City of Seattle's Standard Operating Procedure 200-001, the following information is submitted:

Title of Project or Program:

Thornton Creek/25th Avenue NE Natural Area (CIP Project # 72916, WC 929 OB).

This project has been approved as part of the Seattle Open Space and Trails Bond Program under Ordinance No. 114900. The Open Space Program has been unable to complete negotiations for the purchase of the properties and requires authority to acquire by condemnation the land and other property rights.

Project Statement of Objectives:

The ordinance will: 1) Authorize the City Attorney to exercise the City's power of eminent domain to acquire property located within the Thornton Creek/25th Avenue NE project area.

Fund Sources:

Seattle Open Space and Trails Bond Program

Personnel or Equipment Required:

No additional personnel or equipment will be required for the acquisition; however, funding for maintenance and stewardship will be necessary in the future.

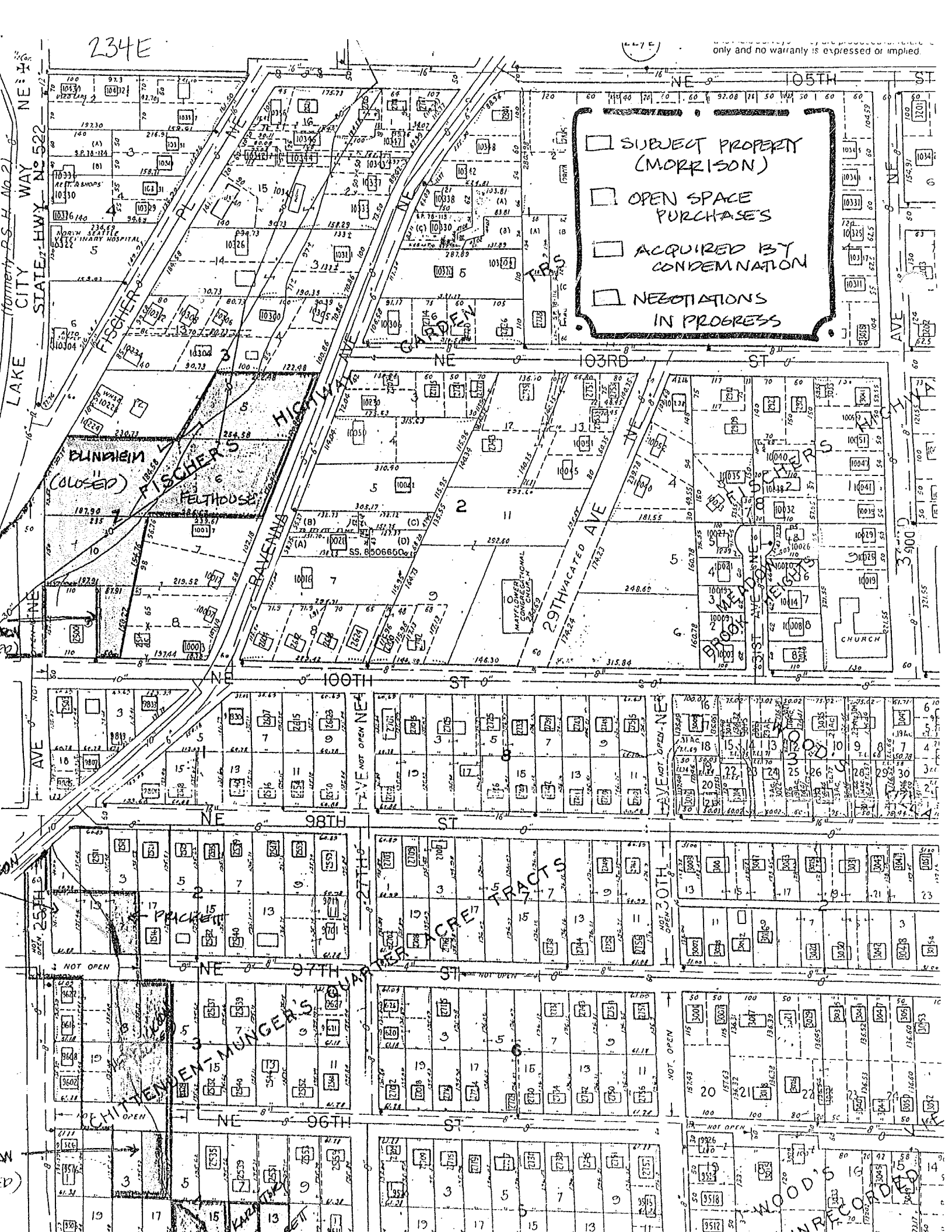
Alternative Fund Source:

No additional fund source has been identified for this property acquisition.

Contact Persons:

Donald M. Harris - 684-8018; Warren Eckstrom - 684-7041

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only and no warranty is expressed or implied.

☐ SUBJECT PROPERTY (MORRISON)

☐ OPEN SPACE PURCHASES

☐ ACQUIRED BY CONDEMNATION

☐ NEGOTIATIONS IN PROGRESS

234E

4-7-E

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City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor



March 21, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

*JBN
3/21/96*

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Parks and Recreation

SUBJECT: AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in Lots 19 and 20, Block 2, Chittenden Munger Quarter Acre Tracts, according to the plat thereof recorded in Volume 15 of Plats, page 36, in King County, Washington, for open space, park and recreation purposes (Thornton Creek/25th Avenue NE Natural Area) under the Seattle Open Space and Trails Bond Program.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Celia Grether at 684-8048.

Sincerely,

Norman B. Rice
Mayor

by

Celia Grether
for Tom Tierney, Director

legis:grether71

Enclosure

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

RECEIVED
96 MAR 21 PM 2 45
CITY ATTORNEY

TIN. ND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

উদ্যোগ/০৮

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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66735
City of Seattle, City Clerk

—SS.

No. ORDINANCE TI

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TITLE-ONLY PUBLICATION
The full text of the following ordinances, passed by the City Council on April 1, 1966, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 694-8844.

ORDINANCE NO. 116088

IS AN ORDINANCE relating to The Seattle Department of Parks and Recreation, and granting a \$62,134 grant from the City of Washington's Interagency Committee for Outdoor Recreation for financial assistance to support improvements to the Golden Gardens Boat Ramp facility, and making a reimbursable appropriation from the Shoreline Parks Improvement Fund (SPIF) therefor, all by a three-fourths vote of the City Council.

ORDINANCE NO. 116 MAY 1988

(AN ORDINANCE relating to the Downtown Concert Hall Project; authorizing execution of an agreement with King County and the Seattle Symphony Orchestra regarding the closure of the existing main entry bay tunnel entrance and the development of a new bay tunnel entrance from Second Avenue; and upon a three-fourths vote of the City Council, making any appropriation of funds to pay certain utility relocation costs in connection therewith; and declaring the emergency therefor.)

ORDINANCE NO. 118070

AN ORDINANCE relating to the Department of Parks and Recreation; accepting deeds for real property in the Magnolia, Southwest Quarter and Northeast Queen Anne, St. Mark's, Harrison Ridge, Duwamish East, West Duwamish, West Seattle, East Duwamish, Rainier, Cheasty, Greenbelts; and in the Piper, Rainier, and North Rainier, Longfellow, Duwamish, and Rainier, at the 30th Ave. N. W. A. Thorsen, (Longfellow Creek Ravine, Litchi-Like Dell, Longfellow Creek, 30th Ave. Boulevard, Kiwanis Ravine, and Orchard Street Ravine) Natural Areas; and in Moch Creek Ravine; for certain platted property designated as Natural Space in the Lake City area for open space, park, and recreation purposes.

ORDINANCE NO. 118071

AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in Lots 10 and 11, Block 2, Chittenden Mungee Quarters, Acre Tracts, according to the plat thereof recorded in Volume 15 of Plats, page 186, in King County, Washington, for open space, park and recreation purposes, to be known as the 25th Avenue N. S. Natural Area Park, (the) Seattle Open Space and Trails Board Program, and for other purposes.

Publication ordered by JUDITH WIP
City Clerk

Date of official publication in Daily Journal of Commerce, Seattle, April 13, 1967. 41726 (76785)

undersigned, on oath states that he is an employee of The Daily Journal of Commerce, a newspaper which is a legal newspaper of general circulation and has been for more than six months published continuously as a daily newspaper in Seattle, Washington, and it is now and during all of said time an office maintained at the aforesaid place of said newspaper. The Daily Journal of Commerce is of June, 1941, approved as a legal newspaper of King County.

The exact form annexed, was published in regular
ly Journal of Commerce, which was regularly
subscribers during the below stated period. The

68-118071

was published on

04/12/96

The amount of the fee charged for the foregoing publication is the sum of \$ 100.00, which amount has been paid in full.

Subscribed and sworn to before me on

04/12/96

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication